

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ROBERT J. LABONTE,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 18-1784C

(Chief Judge Sweeney)

DEFENDANT'S MOTION FOR A STAY OF ALL CURRENT DEADLINES IN LIGHT OF LAPSE OF APPROPRIATIONS

The United States of America hereby moves for a stay of all current deadlines, including the January 22, 2019 deadline for the Government to respond to the complaint, in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of all current deadlines, including the January 22, 2019 deadline for the Government to respond to the complaint, in the above-captioned case until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

5. Plaintiff consents to this motion provided that the lapse in appropriations ends by February 16, 2019.

Therefore, although we greatly regret any disruption caused to the Court and to plaintiff, the Government hereby moves for a stay for a stay of all current deadlines, including the January 22, 2019 deadline for the Government to respond to the complaint, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

DOUGLAS K. MICKLE
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s/ *Richard P. Schroeder*
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Jan. 17, 2019

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that, on this __ day of January 2018, I caused to be served via United States mail “DEFENDANT’S MOTION FOR A STAY OF ALL CURRENT DEADLINES IN LIGHT OF LAPSE IN APPROPRIATIONS” addressed as follows:

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